

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, Address, Telephone No.)		FOR COURT USE ONLY
ATTORNEY FOR (Name): _____ Bar No: _____		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE JUSTICE CENTER: <input type="checkbox"/> Central <input type="checkbox"/> Harbor <input type="checkbox"/> Lamoreaux <input type="checkbox"/> North <input type="checkbox"/> South <input type="checkbox"/> West STREET ADDRESS: _____ P.O. BOX: _____ CITY AND ZIP CODE: _____		
TITLE OF CASE: _____		
ORDER APPROVING COMPROMISE OF MINOR'S CLAIM <input type="checkbox"/> Under Section 3500 P.C. (NO ACTION PENDING) <input type="checkbox"/> Under Section 372 C.C.P. (ACTION PENDING) <input type="checkbox"/> Special Needs Trust Requested		CASE NUMBER: <input type="checkbox"/> Limited Civil <input type="checkbox"/> Over \$25,000

Honorable _____, judge presiding

Date of Hearing: _____ Dept: _____

Attorney(s) appearing for petitioner(s): _____

The Petition of _____

Parent / Guardian / Guardian Ad Litem

hereinafter called "petitioner," for approval of the proposed compromise of the claim of the above-named minor against _____, hereinafter called "payor," coming on regularly to be heard, upon the evidence introduced, the Court finds that the facts set forth in said petition are true, that all required notices have been given, and that it is for the best interests of the minor that said claim be compromised and settled for the amount hereinafter stated and that the proceeds for such settlement be paid and used in the manner hereinafter specifically provided.

IT IS THEREFORE ORDERED:

- A. That said compromise be and is hereby approved and that upon payment of the sum of \$_____ (Being the total amount of the present worth of the settlement sum herein approved) in the manner herein provided, the payor shall be fully and forever released and discharged of and from all claims, charges and demands of said minor arising from the accident mentioned in said petition;
- B. ☐ That the establishment of a special needs trust be and is hereby approved. The filing fee of \$_____ shall be paid to the Clerk of the Court in the Probate Department. A certified copy of this order, the special needs trust agreement, and if appropriate, the bond, order for deposit, or the documents relating to the special needs trust shall be placed in the Probate file entitled Special Needs Trust (Probate Code sections 3602, 3604 and 3611).
- ☐ That the request for establishment of a special needs trust be and is hereby denied.

(over)

C. Payor shall disburse the proceeds of the settlement hereby approved in the following manner:

- (1) By one or more checks or drafts drawn payable to the order of petitioner and/or the respective parties entitled to receive payment of the following items of expense or damage which the petitioner is hereby authorized and directed to pay out of the proceeds of the settlement:

- (a) Attorneys' fees hereby fixed and allowed to _____ \$ _____
(b) Reimbursement to petitioner for medical and other expenses paid by petitioner \$ _____
(c) Unpaid medical, hospital, ambulance, nursing and other like expenses not reimbursable to petitioner from insurance or other funds MUST BE PAID BY CHECKS OR DRAFTS to each of the following parties:

Total \$ _____

- (d) Filing fee upon approval of special needs trust
(e) Other (Specify)

\$ _____
Total \$ _____

GRAND TOTAL OF ALLOWANCES FOR FEES AND EXPENSES \$ _____

- (2) REMAINING BALANCE IN THE SUM OF \$ _____ by check or draft drawn payable to the order of petitioner as trustee for said minor, and

(Name and Address of Bank, Clerk of Court, Annuity Provider or Other)

and having an endorsement on the face or reverse side of such check or draft to the effect that same is for deposit in:

- (a) ☐ a federally insured blocked interest bearing account _____
(Name and Address of Depository)

Further, petitioner shall deliver to said depository, at time of deposit, three (3) copies of the Order to Deposit Money, which order being signed contemporaneously herewith.

- (b) ☐ with the Clerk of the Superior Court, for deposit with the County Treasurer in an interest bearing trust fund pursuant to Probate Code section 3611 (b) in the name of said petitioner as trustee for said minor. Petitioner shall deliver to the Clerk of the Superior Court three (3) copies of the Order to Deposit Money, which order is being signed contemporaneously herewith.
- (c) ☐ structured settlement / annuity - terms:
- 1) Purchase sum: \$ _____
 - 2) Company: _____
 - 3) Rating of company: _____ By whom: _____
 - 4) ☐ Licensed to do business in California.
 - 5) Payment terms (if any payment to minor is due before minor attains the age of 18, petitioner shall request its deposit into an interest bearing, federally insured blocked account or an interest bearing trust fund pursuant to Probate Code section 3611 (b)). List below or attach page.

(d) Pursuant to the findings set forth below, the Court authorized establishment of the special needs trust pursuant to Probate Code section 3604. A copy of the special needs trust is attached hereto.

☐ Findings:

- ☐ That the subject has a disability that substantially impairs the subject's ability to provide for his or her own care or custody, AND constitutes a substantial handicap.
- ☐ That the subject is likely to have special needs that will not be met without the trust.
- ☐ That the money to be paid to the trust does not exceed the amount that appears reasonably necessary to meet the special needs of the subject.
- ☐ with bond of _____, or
- ☐ with accounts identified in 2a and/or 2b herein above.

D. Within two (2) court days after receiving the check or draft mentioned in paragraph C(2) _____
(Name of Attorney Appearing)
and petitioner shall deposit same in petitioner's name as trustee for said minor as indicated above. Petitioner shall make no withdrawal from said account, either principal or interest, without first obtaining an order of this court authorizing same. Attorney fees are not due or payable until such time as the balance of the funds have been deposited pursuant to this order and verification is filed with this court.

E. Upon receipt of the full amount of the settlement sum herein approved and deposits made as indicated above, petitioner is hereby authorized and directed to execute and deliver to said payor a full, complete and final release and discharge of and from any and all claims and demands of said minor by reason of the accident described in said petition and the resultant injuries and damages to said minor.

F. The Court finds the minor was born _____.

- ☐ When said minor attains the age of 18 years, said depository, without further order of the Court, is authorized and directed To pay, upon proper demand, the monies hereby ordered to be deposited, directly to said minor.
- ☐ Said depository, without further order of the Court, is authorized and directed to pay, upon proper demand, the monies hereby ordered to be deposited, as follows:

(Date)

Judge of the Superior Court